

Message Text

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PAGE 01 STATE 201979

62

ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 PM-04 CIAE-00 INR-07 NSAE-00

INRE-00 SSO-00 SS-15 NSCE-00 NSC-05 /042 R

DRAFTED BY L/EA:PMNORTON

APPROVED BY EA:RHMILLER

DOD/ISA/FMRA:SGOLDSMITH(SUBS)

EA/PHL:JELAKE(SUBS)

EA/PHL:DPSULLIVAN

PM/ISO:GCHURCHILL(SUBS)

----- 121351

O R 132128Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY MANILA IMMEDIATE

INFO SECDEF

JCS

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL

CG 13TH AF

C O N F I D E N T I A L STATE 201979

FOR USDEL

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: CRIMINAL
JURISDICTION

REF: MANILA 12030 USDEL 200 120138Z AUG 76

1. PARA 8 REFTTEL CONVEYS PHIL SUGGESTION THAT REF TO
RIGHT OF U.S. SERVICEMEN TO TRIAL IN CIVILIAN COURT BE
DROPPED FROM THE AGREEMENT PROPER AND BE INCORPORATED IN A
CONTEMPORANEOUS EXCHANGE OF NOTES. WE DO NOT REGARD THIS
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PAGE 02 STATE 201979

AS ACCEPTABLE OR ADVISABLE.

2. INCORPORATION IN AN EXCHANGE OF NOTES GIVES A DISTINCT IMPRESSION OF A LESSER STATUS FOR SUCH A RIGHT. THIS APPROACH MAY BE ACCEPTABLE FOR LESS SIGNIFICANT PROVISIONS OR IF DETAILED PROCEDURES ARE NOT CONVENIENTLY INCLUDABLE IN THE AGREEMENT PROPER. THE RIGHT TO A CIVILIAN TRIAL, HOWEVER, IS A FUNDAMENTAL PROVISION. ITS OMISSION FROM THE AGREEMENT PROPER WOULD UNDOUBTEDLY BE NOTICED BY CONGRESS, INCLUDING CRITICS AND SUPPORTERS OF THE MARCOS REGIME ALIKE. IT WOULD ALSO BE NOTICED BY OTHER HOST COUNTRIES, SOME OF

WHICH HAVE SIMILAR MARTIAL LAW REGIMES. THIS IS NOT RPT NOT A NEGOTIABLE POINT ON OUR PART, AND WE BELIEVE IT INADVISABLE FROM THE PHILS' STANDPOINT AS WELL, SINCE IT IS LIKELY TO CREATE PROBLEMS WITH CONGRESS.

3. WE HOPE TO REPLY TO MANILA 11775 BY EARLY NEXT WEEK.
ROBINSON

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NNN

Message Attributes

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Disposition Approved on Date:
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Margaret P. Grafeld
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04 MAY 2006

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